

ASSEMBLY BILL

No. 425

Introduced by Assembly Member Cook

February 23, 2009

An act to amend Section 4000.38 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 425, as introduced, Cook. Vehicles: registration: reissuance fee exemption: military.

Existing law requires the Department of Motor Vehicles to suspend, cancel, or revoke the registration of a vehicle where the financial responsibility requirements have not been met. The person seeking reinstatement of the vehicle registration is required to pay a fee sufficient to pay the cost of the reissuance as determined by the department.

This bill would exempt a member of the California National Guard or the United States Armed Forces, who was on active duty, serving outside of this state in a military conflict during a time of war at the time of the suspension, cancellation, or revocation of the vehicle registration, from paying the reissuance fee. The person would be required to submit a copy of his or her official military orders upon requesting the registration reinstatement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4000.38 of the Vehicle Code is amended
2 to read:

1 4000.38. (a) The department shall suspend, cancel, or revoke
2 the registration of a vehicle when it determines that any of the
3 following circumstances has occurred:

4 (1) The registration was obtained by providing false evidence
5 of financial responsibility to the department.

6 (2) Upon notification by an insurance company that the required
7 coverage has been canceled and a sufficient period of time has
8 elapsed since the cancellation notification, as determined by the
9 department, for replacement coverage to be processed and received
10 by the department.

11 (3) Evidence of financial responsibility has not been submitted
12 to the department within 30 days of the issuance of a registration
13 certificate for the original registration or transfer of registration of
14 a vehicle.

15 (b) (1) Prior to suspending, canceling, or revoking the
16 registration of a vehicle, the department shall notify the vehicle
17 owner of its intent to suspend, cancel, or revoke the registration,
18 and shall provide the vehicle owner a reasonable time, not less
19 than 45 days in cases under paragraph (2) of subdivision (a), to
20 provide evidence of financial responsibility or to establish that the
21 vehicle is not being operated.

22 (2) For the low-cost automobile insurance program established
23 under Section 11629.7 of the Insurance Code, the department shall
24 provide residents with information on the notification document,
25 in plain, bold type not less than 12 point in size, and in both English
26 and Spanish, stating the following:

27 “A program offering affordable automobile insurance to
28 low-income households has been established. To determine if you
29 are eligible for this insurance, call (insert toll-free phone number
30 for the California Automobile Assigned Risk Plan or its successor).
31 This call is free to you and may be made during normal business
32 hours, Monday through Friday, except holidays.”

33 (c) (1) Notwithstanding any other provision of this code, before
34 a registration is reinstated after suspension, cancellation, or
35 revocation, there shall be paid to the department, in addition to
36 any other fees required by this code, a fee sufficient to pay the cost
37 of the reissuance as determined by the department.

38 ~~(d) This section shall become operative on January 1, 2006.~~

39 (2) *The reissuance fee imposed by paragraph (1) shall not apply*
40 *to a member of the California National Guard or the United States*

1 *Armed Forces who was on active duty, serving outside of this state*
2 *in a military conflict during a time of war, as defined in Section*
3 *18 of the Military and Veterans Code, at the time of the suspension,*
4 *cancellation, or revocation of his or her vehicle registration. The*
5 *person shall submit a copy of his or her official military orders*
6 *upon requesting the registration reinstatement.*

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